IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2351 OF 2003
IN
CRIMINAL APPLICATION NO.3203 OF 2002
IN
CRIMINAL APPEAL NO.253 OF 2002

The State of Maharashtra
(Through Anti Corruption
Bureau, Mumbai) ...Applicant.

V/s

Chandrashekar Sheshrao Kulkarni,
Sales Tax Officer, Sales Tax
Office , Mumbai. ...Respondents.

Mr. A.S. Shitole, APP for the State.

None for the respondents.

CORAM: V.M.KANADE,J.
DATE: 3rd February, 2005

P.C.

1. This is an application by the State for recalling the order passed on 6/9/2002. It is submitted that on the said date this Court was pleased to grant stay to the order of conviction and sentence passed by the Trial Court. It is submitted that before the said order of stay was granted, respondent was already dismissed from service and, thereafter, he has retired on 30th September, 2002. It is, therefore, submitted that in the interest of justice this order of stay to the order of conviction may be recalled.

2. It is not possible to accept the submission made by the learned Counsel appearing for the applicant.

Section 362 of the Criminal Procedure Code, in terms, lays down that the Court cannot alter its judgment and order. Section 362 reads as under:-

> "362. **Court not to alter judgment.-** Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error."

In view of this specific provision, it is not possible to alter or recall the order. Application is, therefore, rejected.

V.M. KANADE, J.